

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ROSY GIRON DE REYES; JOSE
DAGOBERTO REYES; FELIX ALEXIS
BOLANOS; RUTH RIVAS; YOVANA
JALDIN SOLIS; ESTEBAN RUBEN
MOYA YRAPURA; ROSA ELENA
AMAYA; and HERBERT DAVID
SARAVIA CRUZ,

Plaintiffs,

vs.

WAPLES MOBILE HOME PARK
LIMITED PARTNERSHIP; WAPLES
PROJECT LIMITED PARTNERSHIP; and
A.J. DWOSKIN & ASSOCIATES, INC.,

Defendants.

Civil Action No. 1:16-cv-563 (TSE/TCB)

PLAINTIFFS' MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO SEAL

Pursuant to Local Civil Rule 5, Plaintiffs, through undersigned counsel, hereby respectfully submits the instant memorandum of law in support of Defendants' motion to seal (Dkt. 251) in the above-captioned action.

This case implicates sensitive, private information pertaining to one Plaintiff's immigration history. The document the parties seek to seal in part, Defendants' Motion for Summary Judgment (Dkt. 248), contains information from a document that is subject to the Stipulated Protective Order in this case (Dkt. 45). The information in question comes from one Plaintiff's responses to interrogatories, which are non-public materials. As numerous courts have recognized, such sensitive and private information about an immigrant's immigration history should be sealed from the public docket.

ARGUMENT

With respect to the sealing of documents that would otherwise be placed onto the public record, the Fourth Circuit has held as follows:

[B]efore a district court may seal any court documents . . . it must (1) provide public parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and rejecting the alternatives.

Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000). As argued by Defendants, all of these requirements have been met here. *See* Dkt. 253. Here, the redactions to Defendants' summary judgment memorandum are minimal and narrowly tailored to protect only what is necessary.

Additionally, courts in this District have repeatedly recognized that nonpublic materials concerning immigration proceedings are sufficiently private to warrant sealing, *see, e.g.*, *Cabrera-Diaz v. Hott*, E.D. Va., Civ. No. 1:17-cv-1405, Dkt. #19; *Flores-Romero v. Hott*, E.D. Va., Civ. No 1:17-cv-754, Dkt. #23; as well as the general danger of making otherwise nonpublic immigration information available to the public, *see, e.g., International Refugee Assistance Project v. Trump*, 2017 WL 818255, at *2 (D. Md., March 1, 2017) (determining that plaintiffs should be allowed to proceed anonymously in part because they "have a problematic immigration status that, if disclosed, could dissuade the Doe Plaintiffs from pursuing their rights in court."

Here, the information sought to be sealed relates to one Plaintiff's immigration history, a topic which is generally nonpublic. If this information becomes publicly available, it would not only put that Plaintiff at risk, but it would also deter immigrants from asserting their rights in the Fourth Circuit in the future.

CONCLUSION

For these reasons, this Court should grant the motion to file Defendants' Motion for Summary Judgment under seal (Dkt. 251), and grant the proposed order filed therewith (Dkt. 251-1).

Respectfully submitted,

//s//

Dated: October 10, 2019

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Counsel for Plaintiffs

Certificate of Service

I hereby certify that on this 10th day of October, 2019, I caused the foregoing to be filed electronically with the Clerk of the Court using CM/ECF, which will then send a notification of such filing to all counsel of record.

_____/s/_____
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